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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/788,515 | 02/27/2004 | Paul M. Bird | CA920030104US1 | 6895 |
| 23373 | 7590 | 09/07/2006 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | LIE, ANGELA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2163 | |

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/788,515 | BIRD ET AL. | |
| | Examiner | Art Unit | |
| | Angela M. Lie | 2163 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/28/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1, 9 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims 1,9 and 17 recite a data processing system, however the examiner is not certain if the data processing system is hardware or software, since the instant specification does not clearly define it.
3. The applicant is advised to substitute "data processing system" with "computer readable medium" so there is no confusion that the database is actually executed by hardware.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 9-12, 15, 17-20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by McNabb et al (US Patent 6289462).

As to claims 1, 9 and 17, McNabb discloses a data processing system comprising a database (Figure 9, element 510), the database comprising classified table elements (column 18, lines 56-58), the data processing system coupled to a classification engine (Figure 9, element 504) adapted to provide indicators of approval or non approval to permit (column 14, lines 19-26), for a request associated with a requestor (column 14, lines 19-26), access to contents of the classified table elements (column 8, lines 41-45), a method for retrieving data from the classified table elements (column 18, lines 52-58), the method comprising the steps of: receiving the request (Figure 9, element 502), from the requestor (Figure 9, element 500), to access the contents of the classified table elements (column 8, lines 11-15); for each classified table element, asking the classification engine to provide an indication of whether the requestor associated with the request is to be permitted access to the contents of the respective classified table element; and accessing the contents of each classified engine, the approval indicators indicating that the requestor is permitted to access the contents of the respective classified table element (column 14, lines 56-67, and column 15, lines 1-28); wherein the asking step comprises sending the request (Figure 9, element 502) to the classification engine (Figure 9, element 504) coupled to the data processing system (Figure 9, element 510).

As to claims 2, 10 and 18, McNabb discloses the method comprising the steps of: providing to the requestor, access to the contents of each classified table element for which an approval indicator is received; and, denying, to the requestor, access to the contents of each classified table element for which a non-approval indicator is received

from the classification engine, the non-approval indicator indicating that the requestor is not permitted to access the contents of the respective classified table element (column 14, lines 49-67, and column 15, lines 1-28).

As to claims 3, 11 and 19, McNabb discloses the method wherein: the classified table elements are included in a classified table contained in the database (column 18, lines 52-58); each classified table element is associated with a respective classification label (column 14, lines 49-54); and the classification engine (Figure 9, element 504) uses the classification label for each classified table element and a classification associated with the requestor in determining whether to provide the approval indicator and whether to provide the non-approval indicator for the respective classified table element (column 14, lines 19-26).

As to claims 4, 12 and 20, McNabb discloses the method wherein the classified table element is a classified table row (column 18, lines 55-58).

As to claims 7, 15 and 23, McNabb discloses the method wherein in the asking step, the classification engine (Figure 9, element 504) is invoked through at least one processing exit (Figure 9, element 502) in the data processing system (Figure 9, element 500).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, 13, 14, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNabb et al (US Patent 6289462) in the view of Tashenberg (US Publication 2001/0034711).

As to claims 5, 13 and 21, McNabb teaches the method further comprising the executable instructions comprising added instructions for invoking the classification engine such that for each row of the classified table (column 18, lines 56-58), arguments for at least one classification parameter are passed to the classification engine (Figure 9, element 504) for use in generating one of the approval indicator and non-approval indicator for the respective row (column 14, lines 19-26 and lines 49-54), where the arguments comprise both data stored in one or more classification columns of the table (i.e. data that is about to be accessed) and data used to determine the classification associated with the requestor (column 14, lines 19-26, i.e. SL (sensitivity label)). McNabb does not explicitly teach that the original request is compiled into executable instructions. Tashenberg teaches a network system wherein request is converted into machine executable instructions (paragraph 92). It would have been obvious to one of the ordinary skill in the art during the time the invention was made to compile the request into machine executable instruction as taught by Tashenberg, and use this in McNabb's secure computer operating system, because compiling the messages or requests into computer readable instruction is commonly known and used. Furthermore compiling step is essential in the system operation because the interface that allows the user to request access to certain data is in a human friendly readable

form, not in a computer language (binary code), and therefore it needs to be converted to allow computer to process the instructions.

As to claims 6, 14 and 22, McNabb discloses the method wherein the classification engine (Figure 9, element 504) is adapted to generate the indicators (column 14, lines 19-26, i.e. SL) using a classification level derived from data stored in the at least one classification column of each respective row (column 18, lines 52-58) in accordance with a column mapping schema (i.e. the information about the access are derived from the ID and many other criteria, Figure 10).

8. Claims 8, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNabb et al (US Patent 6289462) in the view of Hepworth et al (US Publication 2006/0032920). McNabb teaches all the limitations disclosed in claims 1,9 and 17 respectively, further he also teaches checking for each classified table element, whether decision contains one of an approval indicator and non-approval indicator associated therewith, and wherein the asking step is performed only when neither indicator is contained in the decision unit (Figure 9, element 504; since McNabb does not teach processing multiple requests from the same user at one point of time, it also indicates that when one request is processed, the asking step is held). McNabb does not teach explicitly that the decision about access approval is contained in cache. Hepworth teaches the system wherein authorization information is stored in a local cache. It would have been obvious to one of the ordinary skill in the art during the time the invention was made to store the approval status temporarily in cache memory as taught by Hepworth, in McNabb's access security system, because it is well known in the art, that

temporary information such as approval are stored for short period of time in cache or RAM because usually there is no need to store the authentication data on the hard disk. Furthermore in order to complete the transaction the response has to be placed in the memory that allows fast process between the requesting and processing units.

The Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Zotto et al (US Publication 2004/0009815) disclose a managing access to content wherein the access to individual pieces of information is controlled.
- Larsen (US Publication 2005/0055581) discloses a process-based security comprising access rights look-up table.

Inquiry

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela M. Lie whose telephone number is 571-272-8445. The examiner can normally be reached on M-F.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2163

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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